

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 - - -
4 NATIONAL HEALTHCARE : CIVIL ACTION
SERVICES, INC., :
5 Plaintiff, :

6 v. :

7 PENN TREATY AMERICAN :
CORPORATION, et al., :
8 Defendants. : NO. 02-CV-3600
- - -

9 Monday, October 13, 2003
- - -

10
11 Videotaped deposition of
12 WEBSTER E. BARTH, III, taken pursuant to
13 notice, was held at the law offices of
14 Ballard, Spahr, Andrews & Ingersoll, LLP,
15 1735 Market Street, 51st Floor,
16 Philadelphia, Pennsylvania, beginning at
17 9:42 a.m., on the above date, before Ann
Marie Mitchell, a Federally-Approved
Registered Merit Reporter and
Commissioner of Deeds in the Commonwealth
of Pennsylvania.

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20 Job # 153612

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24



1 Washington C corp. Excuse me, a sub-S.

2 Q. Did you create Copperfields?

3 A. I did.

4 Q. What type of business does
5 Copperfields engage in?

6 A. It was created to market
7 ship model cases around the world that
8 are sold on the Internet. It no longer
9 does that. I sold that. But
10 Copperfields I use as a -- a corporate
11 entity for handling a variety of
12 different consulting clients.

13 Q. When you say ship model
14 cases --

15 A. Cases, yes.

16 Q. -- you mean --

17 A. Wooden cases for antique
18 ships. People order them on the
19 Internet. I ship them all over the
20 world. I did until I sold the business
21 this winter.

22 Q. What was your title at
23 Copperfields back in '99 when it was
24 created?

1 A. President, owner, chairman,
2 only employee, only officer.

3 Q. So you founded the company?

4 A. Yes, I did.

5 Q. And you were the sole
6 founder of the company?

7 A. Yes, I was. And am. I am
8 today.

9 I have a bad cold, so if I
10 look like I'm fading on you here or
11 something, it's not that I'm not
12 interested.

13 Q. That's okay. Are there any
14 investors of Copperfields?

15 A. Not in -- not in
16 Copperfields itself, no. Just me.

17 Q. You testified that you were
18 involved in connection with a universal
19 life insurance product for Penn Treaty?

20 A. No. It was a company called
21 First Penn Pacific.

22 Q. Oh, First Penn Pacific?

23 A. In Chicago.

24 Q. What exactly was your

1 March 23rd.

2 BY MS. HONG:

3 Q. March 23, 2001. The text on
4 the top of the e-mail says, "Jackie- Here
5 are a few areas to clarify, please: 1.
6 First of all, we have a new exec helping
7 to manage our fulfillment and service
8 job. His name is Mike Callahan
9 (callahankids@aol.com) and I would
10 appreciate it if you would include him in
11 your email traffic to Mike Hauert and
12 me."

13 Who is the we that's
14 referenced in the first sentence, first
15 of all, we have a new exec?

16 A. That's Copperfields.
17 Mike -- we're Copperfields now, we've
18 added Mike Hauert. In a way we're
19 Copperfields as far as everyone was
20 concerned, and we've added Mike to the
21 distribution list as part of
22 Copperfields.

23 MR. RIVERA-SOTO: Mike
24 Callahan?